DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 15-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program per se is considered functional descriptive material (See MPEP 2106.01). In order to meet the 35 USC 101 requirements the claimed invention must produce a "useful, concrete, and tangible result", and the invention as currently claimed is not capable of meeting these requirements. A computer program is simply written text that is structured in such a way that a compiler can convert this text into machine-readable code. For example, following is a simple computer program with a module configured to print "I am a program!":

```
class SimpleProgram {
        public static void main(String args[])
        {
                printmodule();
        }

        public printmodule();
        {
                System.out.println("I am a program!");
        }
}
```

In its current state this computer program is not capable of producing

anything. The first step in converting the computer program into patentable subject matter is that the computer program must be compiled into machine-readable code that a computing device can understand and storing it on a computer media. The act of compiling the program and storing it on a computer media results in software that is executable to perform the claimed steps, which, while still non-statutory, is considered functional descriptive material. At this point the invention is now capable of producing a tangible result but is not able to produce a tangible result as specified in the MPEP.

In order to produce a tangible result, the software must be loaded on a computing device that executes the program to perform the claimed steps. The only manner in which a tangible result will be realized is when the software is executed. Until such a time, the invention does not meet the 35 USC 101 requirements.

The examiner suggests amending Claims 15-21in a manner similar to the example provided below:

Claim 15: A computer readable medium containing a computer program to provide coupon, rebate, price-comparison, or product-review services and information utilizing a toolbar within a network browser or system interface, the program executed by a computer processor to perform the steps of:

   a. receiving a request for such information;

   b. automatically detecting a specific ...

   c. retrieving relevant stored …

   d. displaying formatted information …

3.   Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. It is unclear what statutory

class of invention "a computer interface" falls into. There are two interpretations of

this claim, both of which are non-statutory (see MPEP 2106.01). What is recited can

be considered data per se (i.e., only the data displayed on the interface) or non-

functional descriptive material. The recitation could also apply to a computer

program per se (i.e., the program to display the toolbar and perform the autodetect

process) or functional descriptive material. Non-functional descriptive material

cannot be saved by placing it on a computer readable medium, while functional

descriptive material can. Careful consideration should be made in amending claims

22-24 since claims 15-21 already recite a computer readable media claim.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

5.   Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by

Oren et al. (PGPUB: US 2002/0057299).

Claim 1, 8, 15 and 22: Oren discloses a method, a system, a computer program, and

a computer interface for providing commercial information such as coupon, rebate,

price-comparison, or product-review services and information, utilizing a toolbar

within a network browser or system interface computing environment, comprising:

a. Receiving a request for said commercial information via said toolbar. (Fig 10; Fig.

11; Paragraphs [0005], [0007], [0008]; and [0010])

b. Automatically detecting information about a specific merchant and/or product

from within the browser or interface environment. (Fig 10; Fig. 11; Paragraphs

[0005], [0007], [0008]; and [0010])

c. Retrieving relevant stored information about the detected information. (Fig 10;

Fig. 11; Paragraphs [0005], [0007], [0008]; and [0010])

d. Displaying formatted information to the requesting entity. (Fig 10; Fig. 11;

Paragraphs [0005], [0007], [0008]; and [0010])

Claims 2, 9, and 16: Oren discloses a method, a system, and a computer program

as recited in claims 1, 8, and 15, further including utilizing the toolbar in manner

selected from the following list: A built-in or integrated feature of a network browser

or system interface, plug-in or expandable feature of a network browser or system

interface, a button, linked or bookmarked feature of a network browser or system

interface. (Fig 10; Fig. 11; Paragraphs [0005], [0007], [0008]; and [0010])

Claims 3, 10, and 17: Oren discloses a method, a system, and a computer program

as recited in claims 1, 8, and 15, further comprising: receiving personal, preference

or usage information associated with the requesting entity. (Fig 10; Fig. 11;

Paragraphs [0005], [0007], [0008]; and [0010])

Claims 4, 11, and 18: Oren discloses a method, a system, and a computer program as recited in claims 3, 10, and 17, further comprising: providing or filtering services and information based on personal information, preferences or usage. (Fig 10; Fig. 11; Paragraphs [0005], [0007], [0008]; and [0010])

Claims 5, 12, and 19: Oren discloses a method, a system, and a computer program as recited in claims 1, 8, and 15, further comprising: providing access to internal and external sources of such services and information. (Fig 10; Fig. 11; Paragraphs [0005], [0007], [0008]; and [0010])

Claims 6, 13, and 20: Oren discloses a method, a system, and a computer program as recited in claims 1, 8, and 15, further comprising: utilizing the information and services in conjunction with a search engine interface. (Fig 10; Fig. 11; Paragraphs [0005], [0007], [0008]; and [0010])

Claims 7, 14, and 21: Oren discloses a method, a system, and a computer program as recited in claims 1, 8, and 15, further comprising: an auto-activation and/or auto-fill function to automatically enter or transmit coupon information to a merchant web site. (Fig 10; Fig. 11; Paragraphs [0005], [0007], [0008]; and [0010])

Claim 23. A computer interface as recited in claim 22, wherein said information related to said e-commerce transaction includes an electronic coupon for use by said user during said e-commerce transaction. (Fig 10; Fig. 11; Fig. 12; Paragraphs [0005], [0007], [0008]; and [0010]) (Note in figure 10, the button for freebees and in figure 12 there is a coupon for a free newsletter)

Claim 24. A computer interface as recited in claim 22, wherein said information related to said e-commerce transaction includes product information related to said e-commerce transaction. ((Fig 10; Fig. 11; Paragraphs [0005], [0007], [0008]; [0009], and [0010])])

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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